

REMARKS

Paragraph 37

Paragraph 37 has been amended to remove the objected new matter.

Claim 3 Objection

Claim 3 is objected to because of the following informality: “wherein each chamfer and decreases” should be --wherein each chamfer decreases--. Claim 3 has been amended to overcome this objection.

Amendment to paragraph 21 and the claims

Paragraph 21 and the independent claims 1 and 16 has been amended to recite that the rib side is gradually exposed as the chamfer extends along the circumferential edge and as the chamfer height decreases. Support for this language can be found in Figures 2-5b. One skilled in the art viewing these Figures would clearly understand that Applicants had possession of the invention as described at the time of filing of the application; thus no new matter is being introduced – Applicants are just further clarify the structure of the chamfers and the sides of the ribs.

Claims 1 and 16 are also amended to recite that the chamfers on the opposite sides of the rib are circumferentially overlapping. This is also evidenced in the Figures.

Japan 2002-103919

35 U.S.C. § 102(b)

Claims 1, 3-4, 6-10 and 12-14 have been rejected under 35 U.S.C. 102(b) as being anticipated by Japan 919 (JP 2002-103919). This rejection is respectfully traversed for the following reasons.

Figure 2 of Japan 919, showing a rib with false land parts 26 on each side of the rib, is relied upon to provide the basis for the anticipatory rejection of the claims. Amended claim 1 recites that the chamfers on opposed sides of the rib are circumferentially overlapping. This is not shown, disclosed, or suggested by Japan 919. In comparison, the false land parts 26 on opposed sides of the rib of Figure 2 of Japan 919 are not circumferentially overlapping and neither are the chamfers 22 of Figure 1.

Additionally, the amended claim 1 recites that as the chamfer extends along the circumferential edge of the rib, the rib side is gradually exposed. In the Figure 1 tread of

Japan 919, the chamfer 22 does not expose any rib side as the chamfer 22 is located at a tip of a rib extension. For the false land portions 26 of Figure 2 of Japan 919, it is unknown what is the exact structure of the false land portion 26 as no side view of the tread rib is provided. In the translation, it reads that the false land portion has an abbreviated triangle, abbreviated trapezoid, or curved-surface configuration (as seen in Figure 2) (para. 44). Nothing in this list of configurations indicates that the side of the rib must be gradually exposed along the length of the false land portion.

As Japan 919 fails to disclose, teach, or suggest each amendment as recited and required under an anticipation rejection, it is requested that this rejection be reconsidered and withdrawn.

35 U.S.C. § 103(a)

Claims 1, 3-8, 13 and 15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 919 in view of at least one of Europe 971 (EP 1075971) and Himuro 892 (US 2002/0062892). While claim 1 has been amended, the following arguments are set forth in regard to the amended independent claim.

Japan 919 is relied upon for teaching a central rib with false land parts 26 extending from the sides of the rib, wherein the false land parts 26 are considered to read on the recited chamfers. Should the false land parts 26 not be considered the recited chamfers, in the obviousness rejection of the claims Japan 919 is combined with the teachings of EP 971 and Humoro 892 who also disclose pseudo land portions attached to a central rib for improved water drainage.

Japan 919 teaches forming the false land parts 26 in such a location on the central rib so that the land part 26 is between the block land parts 8a, 8b so that water flows from the false land parts 26 to the grooves 21a, 21b (paras 43 and 44 of translation).

In EP 971, pseudo-land portions 11 are formed along both sides of a central tread rib. The pseudo-land portions 11 have a basic side 12a and an oblique side 12b (para 37). In all of the cut sectional views of the pseudo-land portions 11, it is evidenced that a side of the central rib is never exposed as recited. In using the teachings of EP 971 in regards to a structure for the false land parts 26 of Japan 919, one skilled in the art would form the false land parts 26 of Japan 919 such that the “chamfer” of modified Japan 919 would have oblique sides extending straight down, inclined from the edge of the rib surface, and no side wall of the rib is exposed as the height of the “chamfer” decreases, as recited by Applicants. Thus,

the tread of Japan 919 as modified by EP 971 fails to render the recited tire obvious under 35 U.S.C. § 103.

In Himuro 892, the pseudo-land portions 14 have the shape of a cambered triangle in order to maximize the width of the groove end 8 (para. 33). As seen in Figures 4A and 4B, similar to EP 971, a side of the rib 11a is never gradually exposed as the pseudo-land portion decreases in height along the circumferential edge of the rib. One skilled in the art, modifying Japan 919 by the teachings of Himuro 892 would form the “chamfer” of modified Japan 919 to have oblique sides extending straight down, inclined from the edge of the rib surface, contrary to Applicants recited chamfer structure. Thus, the tread of Japan 919 as modified by Himuro 892, in failing to have each and every element of the recited invention, fails to render the recited tire obvious under 35 U.S.C. § 103.

It is requested that the teachings of these references be reviewed and the rejection of the claims be reconsidered and withdrawn as failing to render the recited invention obvious under 35 U.S.C. § 103.

Claims 9-12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 919 in view of at least one of Europe 971 and Himuro 892 as applied above and further in view of Nakagawa (US 2003/0019555) or Japan 225 (JP 2002-29225). This rejection is respectfully traversed for the following reasons:

Both Nakagawa and Japan 225 are applied for their teachings regarding siping of tire treads. Neither provides any teachings to cure the above discussed deficiencies of Japan 919 as modified by either EP 971 or Himuro 892.

As Japan 919 alone or as modified above fails to anticipate or render the subject matter of claim 1 obvious, than any rejection of the dependent claims based on Japan 919 also fails.

Claim 14 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 919 in view of at least one of Europe 971 and Himuro 892 as applied above and further in view of Hopkins et al (US 4926919). This rejection is traversed for the following reasons:

As Japan 919 alone or as modified above fails to anticipate or render the subject matter of claim 1 obvious, any rejection of the dependent claims based on Japan 919 alone or as modified above also fails. Hopkins fails to cure this deficiency of Japan 919 as modified above.

Claim 16 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 919 in view of at least one of Europe 971 and Himuro 892 as applied above and further in view of Japan 604 (JP 1-215604) and optionally Japan 222 (JP2002-029222). This rejection is traversed for the following reasons.

As Japan 919 alone or as modified above fails to anticipate or render the subject matter of claim 1 obvious, any rejection of the dependent claims based on Japan 919 alone or as modified above also fails. Both Japan 604 and Japan 222 fail to cure this deficiency of Japan 919 as modified above.

Japan 2002-240513

Claims 1, 3-4, 6-8, 10-13 and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 513 (JP 2002-240513) in view of Japan 919. As done with the previous arguments, this rejection will be addressed in regards to the amended claims.

Japan 513 is applied for the teachings of recessed parts 28 in the opposing sides of a continuous rib. The recessed parts 28 on each side of the rib are located adjacent to alternating transverse grooves. The structure of the recessed parts 28 are somewhat similar to that recited in claims 1 and 16, though lacking the features of the recessed parts 28 on opposing sides of the rib being circumferentially overlapping and the rib having sipes as recited in claims 1 and 16. To make up for the deficiency of the sipes, the teachings of Japan 919, who discloses a similar rib in that a false land portion is located on both sides of the rib for water flow, are applied.

However, Japan 919 fails to disclose that the false land parts 26 on opposing sides of the rib must be circumferentially overlapping. Thus the combination of Japan 513 and Japan 919 fails to disclose, teach or suggest all of the limitations of the claims.

Giving Japan 919 the broadest scope of interpretation of its teachings regarding placement of the false land parts, Japan 919 teaches that the false land parts 26 should be placed on the central rib adjacent to each groove 21a, 21b so that water flows from the false land parts 26 to the grooves 21a, 21b (paras 43 and 44 of translation). Applying such teachings to Japan 513 would result in continuous recessed parts 28 down each side of the rib. However, Japan 513 teaches that a goal of the invention is to maintain rigidity of the central rib, which is negatively affected by “a notching-like transverse groove” formed in the rib (para 005). This desired rigidity in the tread of Japan 513 cannot be maintained by providing

extensive notching as suggested by combining the above teachings of Japan 919 and would be contrary to the goals of Japan 513.

To establish *prima facie* obviousness, there 1) must be some suggestion or motivation in the art to modify or combine the references; 2) must be a reasonable expectation of success and 3) the combined references must teach or suggest all the claim limitations. Graham v. Deere. Additionally, the courts have held that references that teach away cannot serve to create a *prima facie* case of obviousness. In re Gurley, 27 F.3d 551, 553, 31 U.S.P.Q. 1131, 1132 (Fed. Cir. 1994).

Herein, Japan 513's teachings of desired rigidity for the central rib to maintain driving stability, handling, and noise are contrary, or teach away, from the teaching of Japan 919 reading the spacing of any false land parts 26 in the central rib. Additional art used in the rejection of the present application, specifically EP 971 and the Himuro references (those applied in rejections and noted of record), fail to provide any different teachings from Japan 919 regarding the spacing of the pseudo-land parts and would result in a degradation of the rib rigidity desired by Japan 513.

Claim 5 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 513 in view of Japan 919 as applied above and further in view of Europe 971. This rejection is respectfully traversed for the following reasons:

Claim 9 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 513 in view of Japan 919 as applied above and further in view of Nakagawa or Japan 225. This rejection is respectfully traversed for the following reasons:

Claim 14 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 513 in view of Japan 919 as applied above and further in view of Hopkins et al. This rejection is respectfully traversed for the following reasons:

Claim 15 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 513 in view of Japan 919 as applied above and further in view of Himuro 892.

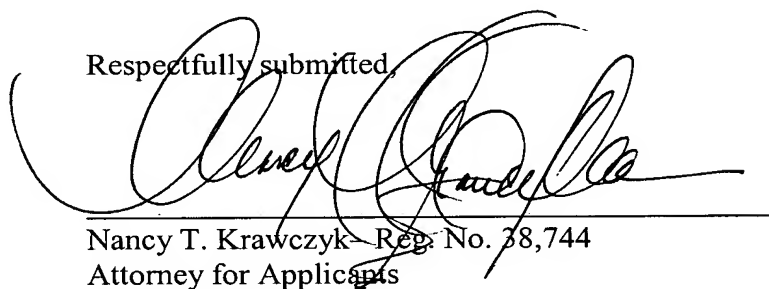
Claim 16 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 513 in view of Japan 919 as applied above and further in view of Japan 604 and optionally Japan 222.

All of the above rejections are based on the rejection of the Japan 513 in view of Japan 919. As Japan 513 as modified by Japan 919 fails to render the subject matter of the independent claims obvious as argued above, than any rejection of the dependent claims

based on the modified Japan 513 also fails. The plurality of secondary references cited fail to cure the deficiency of spacing of the recessed parts of Japan 513.

In light of this amendment, Applicants believe all of the claims now pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nancy T. Krawczyk', is written over a horizontal line. The signature is fluid and cursive.

Nancy T. Krawczyk - Reg. No. 38,744
Attorney for Applicants

The Goodyear Tire & Rubber Company
Department 823
1144 East Market Street
Akron, Ohio 44316-0001
Telephone: (330) 796-6366
Facsimile: (330) 796-9018